

REMARKS

Interview

Applicants wish to thank Primary Examiner Peter Mulcahy for the courtesy of the interview conducted Friday, March 14, 2004. In attendance with Mr. Mulcahy was Dr. Jerry Brem and the undersigned.

During the interview, Dr. Brem presented comments regarding the vitreous material identified in the claims. It is the current understanding that viscosity of plastic resin with the addition of the small amounts of vitreous material is reduced under stress, thereby improving flow. Such viscosity reductions were reported to have significantly increased formation rates, even to the point of being limited by the speed of the equipment used for extruding insulation about wire and cables.

A discussion regarding the term "vitreous" was clarified by the Applicants' understanding that the term describes a glasslike material without necessarily being all amorphous or all crystalline. It is with this understanding that the term has been employed in the application.

Applicants asserted the right to expand the claims beyond thermoplastic resin even though the only expressed disclosure and statements of invention were for thermoplastic resin. This was presented on the basis that the response to the addition of the vitreous material was physical and not chemical and, because the resins were physically the same or similar in thermoset resins and in combinations of thermosets and thermoplastics, the effect was predictable regardless of later chemical response in the formed state. Examiner Mucahy asserted lack of predictability and applicants agreed to move any such issue to a continuing application.

The prior request to include the priority patent application in consideration as prior art to new matter in the present continuation-in-part application was explained. The teachings in the priority patent application reflect offers for sale more than one year before the filing of the continuation-in-part application creating a prior art situation against the continuation-in-part application. A declaration in keeping with the examiner's request accompanies this Summary and Amendment.

Applicants expressed an interest in having a patent granted in the near term and discussed for purposes of this application to include "vitreous" as modifying the materials variously referred to as aluminosilicate and silicon and aluminum dioxides. Also for purposes of this application, the resin material was to be identified as "thermoplastic" to avoid the new matter issue raised above. Finally, the recitation of improved flow in the formation of the articles was considered. These recitations have been included where appropriate in the current offering of claims.

Finally the prior art to Akao et al. was discussed. The examiner pointed to Col. 19, lines 26 and 27 where the suitable content of light shielding material is 0.01 to 30 wt.% in total and combined that teaching with the recitation of light shielding material which applicants understood to be in reference to "Oxides ... Silica, ... alumina..." and "Silicates ... talc, clay, mica, asbestos, glass fiber, glass balloon, glass bead...."

Full arguments for patentability were presented in response to the rejections in the prior Official Action and referenced during the interview. In summary, the aforementioned range of content was also described in the same sentence at lines 30 and 31 as varying "according to light-shielding ability." The Akao et al. patent was specifically directed to light shielded packaging for photographic photosensitive

materials with the sheet of the light shielding packaging being 50 μm to 5 mm thick. A sheet of thermoplastic with 2.0 wt.% aluminosilicate was prepared for applicants and presented at the interview which was .125" (3.17mm) thick, previously made of record herein. The opacity was clearly insufficient for photographic photosensitive materials, even, as one could see, if increased in thickness to 5 mm and, therefore, violate the teachings regarding opacity. The full teachings of Akao et al. do not present or suggest the materials recited in the claims at issue,

In concluding the interview, applicants indicated that they would try to file amended claims, a declaration regarding sale and an interview summary by the end of the following week. The logistics caused the filing to extend into the next week.

Amendments to the Specification

In addition to the claims amended in keeping with the interview, the Specification has been amended to reflect comments about the invention in keeping with the separate scopes of the claims.

Prior Art of Record

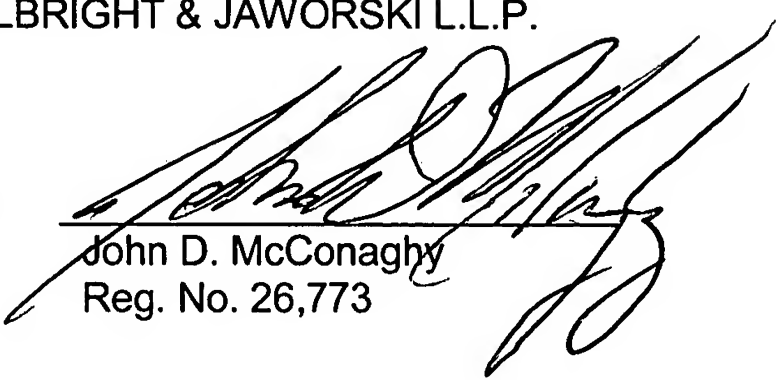
A review of the prior art that has been made of record universally fails to show thermoplastic with less than about 2.0 wt. % vitreous aluminosilicate or silicon and aluminum oxides to improve flow in the formation of articles, either in composition, articles or method. Further, no suggestion is understood to exist regarding any combination to achieve these results. Depending claims also add further recitations providing distinctions over the references of record.

Respectfully submitted,

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